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TAGS: [PHUM](#) [PGOV](#) [KJUS](#) [VE](#)  
SUBJECT: CONVICTIONS IN USON AND TACHIRA CASES

Classified By: POLITICAL COUNSELOR ABELARDO A. ARIAS FOR REASONS 1.4 (d  
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Summary  
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[1](#)1. (U) On October 13 a court in Tachira State convicted eight persons on charges of rebellion in relation to the events of April 2002. The court found on of the original nine defendants not guilty, and five of them are free one probation. On October 11 a military court convicted retired Army Gen. Francisco Uson for insulting the Armed Forces and sentenced him to five and a half years in prison. Journalist Ovidio Rodriguez, professionally known as Napoleon Bravo, who faces charges for disparaging comments about the Supreme Court he made on his television program, testified October 13 before the prosecutor leading the investigation. End Summary

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Tachira 8 Guilty  
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[1](#)2. (U) The trial against nine political leaders in Tachira State for civil rebellion ended at midnight October 13, when the court found eight of the defendants guilty of civil rebellion, and freed one, Wilfredo Tovar. The court sentenced three of the defendants, Saul Lozano, Orlando Pantaleon and Danny Ramirez, to six years in jail and five others, Elsy Marquez de Pena, Jacobo Supelano, Jose Neira Celis, and Omar Guillen, to three years. The judge, Gerson Nino, granted the latter five probation, and they were set free on October 15. They may not leave Tachira State, may not speak to the media, and may not participate in political demonstrations.

[1](#)3. (U) The case against the Tachira 9 stems from disturbances in front of the Governor's offices in Tachira on April 12, when a mob allegedly attacked Tachira Governor Ronald Blanco La Cruz to forcibly remove him from office. At the time the Governor was meeting with military and political leaders to decide what steps to take, following Chavez apparent resignation. Witnesses have described a confused situation, aggravated when military officers withdrew support from Blanco La Cruz, and allowed part of the mob into the Governor's mansion. The defense concentrated its argument on the question of whether the defendants led the crowd, or tried to restrain it. There are approximately 40 additional persons in Tachira who have formal investigations open against them for the same incident, including one general and several politicians. During testimony Blanco La Cruz testified that the persons most responsible for the crime were not on trial.

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Defense Complaints  
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[1](#)4. (C) Defense lawyer Carlos Bastidas told PolOff October 18 that the case was a political vendetta for humiliating Governor Blanco La Cruz, who he called a close Chavez ally and possible successor. Bastidas asserted that the judges delayed the trial 16 months, allowing the defendants to languish in pre-trial detention, acting under pressure from Blanco La Cruz and the prosecutors. Bastidas claimed that the trial would not have begun at all if the Supreme Court had not ordered Judge Nino to begin. He also noted that the motion to the Tachira State Appeals Court to release the detainees has not been ruled on after 14 months, though the court had a legal obligation to respond in 30 days.

[1](#)5. (C) Bastidas said he suspects that prosecutors unfairly pressured the two lay judges hearing the case. The first group of lay judges was dismissed after prosecutors claimed a witness, now being investigated by prosecutors, reported a bribery attempt, according to Bastidas. Bastidas said he had a text message from one of the lay judges saying she was being pressured on the case. Bastidas also claimed that the witnesses for the prosecution met with the head of the Tachira court system prior to testifying, and were coached. He said the court ran the trial well, but that the judges only took into consideration the witnesses who worked for the

government of Tachira State, ignoring defense testimony from deputies, generals, and police officers. He said he has some hope the Supreme Court Penal Chamber may eventually overturn the convictions.

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Reactions  
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16. (C) Following his release, William Tovar made a public plea for President Chavez to pardon the eight persons convicted. He said it was time for Chavez to use his position to call for peace and reconciliation in the country. Liliana Ortega, of the human rights group COFAVIC, told PolOff October 14 that the decision "makes crimes against the majesty of elected officials more serious than crimes against humanity or human rights violations." Sergio Omar Calderon, the main opposition candidate for governor of Tachira in upcoming regional elections, called the sentence "unbelievable" because, "everyone knows that there was no civil rebellion here."

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General Uson Guilty  
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17. (U) Separately, a military court found retired Army General Francisco Uson, former Minister of Finance, guilty on October 11 of insulting the armed forces, and sentenced him to five and a half years in prison. The charges stem from comments Gen. Uson made in a television interview in relation to the Fuerte Mara case of March 2004. In that case, eight soldiers received serious burns while in a punishment cell in Fuerte Mara, Zulia. Two later died. Gen. Uson responded to a journalist's questions about how a flame-thrower worked, and explained the procedures for signing one out, after journalist Patricia Poleo alleged a flame-thrower had been used to burn the soldiers.

18. (C) Uson's defense lawyer, Gonzalo Himiob, told PolOff October 15 that the prosecutors' evidence had consisted of an edited version of the interview, which he said manipulated what Uson said. Other evidence presented, he asserted, was irrelevant or counterproductive to the prosecution, while none of the defense witnesses was challenged by the prosecution. Himiob also asserted that the trial was closed to prevent the public from witnessing the weakness of the prosecution case. He said he believed Minister of Defense Gen. Jorge Garcia Carneiro ordered the judge to convict Uson, but had no evidence. Himiob said the conviction sent a message to the Armed Forces that those who spoke out against the GOV would be jailed. He also said the respect Uson commanded within the Armed Forces, and his inside knowledge of Chavismo made him dangerous for the GOV. Himiob said they would appeal, but had no hope of success.

19. (C) Himiob said he disagreed with arguments that Uson should have been tried in a civilian court. Several commentators, including Bastidas, have argued in the press that since Uson was retired, military courts did not have jurisdiction over him. Himiob told PolOff that military officers are always under military jurisdiction, whether active or retired. He also said that conditions in the Ramo Verde military prison were much superior to those in civilian prisons, and that, due to his rank, he received excellent treatment. Given how long Gen. Uson may be in prison, Himiob said he preferred to keep the case in the military courts, despite his claim that Gen. Garcia Carneiro had imposed a guilty verdict.

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Accusations Against Military Courts  
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110. (C) Captain Alfredo Hernandez Osorio received the Uson case in his military control court in Caracas, on May 22. He sent it to the military appeals court because Uson was a general, and thus had to be tried there. The President of the appeals court rejected the case, and sent it back to another military control judge. On May 23 Capt. Hernandez was arrested, and, he alleges, taken to Minister of Defense Gen. Jorge Garcia Carneiro. Hernandez told PolOff that the Minister screamed at him, "The rule of law is bullshit, this is not juridical, its political!" The next day he was fired, together with four other judges.

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Napoleon Bravo Called to Account  
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111. (U) On October 13 journalist Ovidio Rodriguez, professionally known as Napoleon Bravo, testified before prosecutor Luisa Ortega for four hours in relation to statements he made about the Supreme Court, in which he suggested the building would be better used as a house of

prostitution. No formal investigation has yet been opened against Rodriguez.

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Comment  
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112. (C) The conviction of 8 members of the Tachira 9 is important for the GOV's strategy of giving a juridical base to its claims that the opposition are coupsters. The GOV is anxious to force the current opposition leadership out, and bring in a "loyal" opposition. The Tachira convictions will send a shiver through the 400 persons in the sights of prosecutor Danilo Anderson for the "Carmona decree."

113. (C) The Uson conviction is a serious blow to freedom of expression, especially by ex-military officers. Uson has been convicted of insulting a public institution based on technical responses to a journalist's questions. The conviction also sends a message to those retired officers who play an important role in the opposition, and the "traitors" such as Bolivar State Gov. Antonio Rojas Suarez, who Chavez says have abandoned the revolution. Calling Rodriguez in to testify for allegedly insulting the Supreme Court reinforces the message that words have judicial consequences when directed against the institutions of the Venezuelan state.  
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